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December 1, 2020

VIA ECF

Honorable Edgardo Ramos
United States District Court
Southern District of New York
40 Foley Square, Room 619
New York, NY 10007

Re: *Brad Pollack v. Jernigan Capital, Inc., et al.*
Civil Action No. 1:20-cv-07160-ER

John R. Erickson v. Jernigan Capital, Inc., et al.
Civil Action No. 1:20-cv-09575-MKV

Dear Judge Ramos:

We represent plaintiff John R. Erickson. We write concerning Mr. Erickson's motion for lead plaintiff appointment, approval of lead counsel, and consolidation of related securities class actions (ECF No. 13). The opposition deadline occurred yesterday and the motion is unopposed. We respectfully request that the Court grant the motion.

Mr. Erickson's motion satisfies the requirements of 15 U.S.C. §78u-4 *et seq.* and Federal Rule of Civil Procedure 42. Mr. Erickson filed a complaint in this district and timely moved the Court. He has the largest financial interest in this matter of any movant, satisfies the applicable elements of Rule 23, has retained competent counsel, and otherwise intends to vigorously litigate this matter. Consolidation of all related securities class actions is likewise merited here and will facilitate litigation through a single class action claims under the same statute, against the same defendants, arising from the same transaction, and based upon the same materially misleading proxy filings.¹

¹ The consolidated action would assert claims based on the entirety of the defendant company's proxy filings concerning the merger at issue – *i.e.*, on the preliminary and definitive proxy statements on Forms PREM14A and DEF14A (filed with the United States Securities and Exchange Commission ("SEC") on August 20, 2020 and September 23, 2020, respectively), as amended and supplemented in the company's Form 8-K (filed with the SEC on

**Robbins Geller
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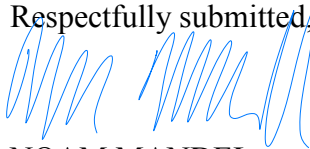
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We have conferred with counsel for all defendants and they take no position with respect to Mr. Erickson's motion. We therefore respectfully ask the Court to grant Mr. Erickson's motion.

The parties have conferred regarding a schedule for the filing of an amended complaint and briefing on defendants' anticipated motion to dismiss and a scheduling stipulation for the Court's approval is attached and being filed contemporaneously.

We stand ready to address any question or concerns Your Honor may have.

Respectfully submitted,



NOAM MANDEL

cc: The Honorable Mary Kay Vyskocil
Matthew DiRisio (*via email*)

October 16, 2020). The first-filed *Pollack* complaint asserted claims based solely on disclosures in the Form PREM14A, which was subsequently amended and supplemented by the Forms DEF14A and 8-K. The plaintiff in the *Pollack* action voluntarily dismissed his claims on October 29, 2020. The *Erickson* complaint asserts claims based on the Forms PREM14A, DEF14A, and 8-K.